

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

ROCKINGHAM PRECAST, INC.

Plaintiff

vs.

Case No. 5:2011cv00024

AMERICAN INFRASTRUCTURE -

MARYLAND, INC.

Defendant

_____/

The deposition of MICHAEL DAVIES was held
on Thursday, February 23, 2012, commencing at 9:00
a.m., at Harford County Government, Department of
Public Works, 15 North Bond Street, Bel Air, Maryland
21014, before Susan A. Kambouris, Notary Public.

REPORTED BY: Susan A. Kambouris

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21 ALSO PRESENT: Christopher D. McKew, Project Manager

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1
2 STIPULATION

3 It is stipulated and agreed by and between
4 counsel for the respective parties that the reading and
5 signing of the deposition by the witness be and the
6 same is hereby waived.

7 - - - - -

8 PROCEEDINGS

9 Whereupon,

10 MICHAEL DAVIES,

11 was called on for examination by counsel, and after
12 being duly sworn according to law, was examined and
13 testified as follows:

14 EXAMINATION BY MR. JAEGER:

15 Q Good morning, Mr. Davies. My name is
16 Edward Jaeger. I represent Great American Insurance
17 Carrier for American Infrastructure with regard to a
18 matter that has been brought against Rockingham Precast
19 as a result of a bridge collapse, a partial bridge
20 collapse on South Hampton Road, over by Bynum Run. We
21 are here today for your deposition pursuant to a
subpoena that was served on you. Let me show you --

1 delivered?

2 A I did, Mark McDowell did, both of us.

3 Q Do you know what day the beams were
4 delivered?

5 A I believe it was the same day. It is not
6 reflected here, the particular day that it was
7 delivered. I see on a report from the day before that
8 the bearing pads were being set, but I do not see
9 anything about the delivery of the beams, themselves.

10 Q When the beams were delivered, were they
11 accepted by the County as -- were they accepted by the
12 County?

13 A They weren't accepted by the County until
14 we received all of the proper documentation for them.

15 Q When did the County accept the beams?

16 MR. COON: Objection.

17 A They were paid for 100 percent on November
18 30th, because that is the day we received the
19 certifications.

20 Q So, on November 30th, 2009, the County paid
21 for the beams 100 percent?

1 A Yes.

2 Q Are you aware that the American
3 Infrastructure never paid Rockingham Precast for the
4 beams?

5 A I am not.

6 Q So, going back, as of November 30th, all of
7 the paperwork was received?

8 A Yes.

9 Q Now, the beams were put in place on
10 November 24th?

11 A Correct.

12 Q Would you view the beams as being accepted
13 as of that date?

14 MR. COON: Objection. It calls for a
15 conclusion.

16 A Nothing is accepted until final acceptance
17 of the project.

18 Q But in terms of the beams being
19 delivered -- let me ask you this: Were the beams
20 inspected and looked at by the County when they were
21 delivered on the 24th, or at or around the 24th?